

THE **HOME RULE CHARTER**

For
The Municipality of Anchorage, Alaska



by
Anchorage Area Charter Commission

September 16, 1975

ANCHORAGE MUNICIPAL CHARTER
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PREAMBLE

We, the People of Anchorage, in order to eliminate waste and duplication in government, to achieve common goals, to support individual rights, to form a more responsive government, and to secure maximum local control of local affairs, hereby establish this Charter.

ARTICLE I

NAME AND BOUNDARIES

Section 1.01 Name

The municipality shall be known as Anchorage.

Section 1.02 Boundaries

The boundaries of Anchorage shall include all areas within the Greater Anchorage Area Borough on the date of ratification of this Charter. The boundaries may be altered in the manner provided by law.

ARTICLE II

BILL OF RIGHTS

This Charter guarantees rights to the people of Anchorage that are in addition to rights guaranteed by the Constitution of the United States of America and the Constitution of the State of Alaska. Among rights guaranteed by this Charter are:

- (1) The right of initiative; the right of referendum; and the right to recall public officers, as herein provided.
- (2) The right of immunity from the creation or alteration of a service area, except upon a vote within the area affected.
- (3) The right to establish local community councils to assure maximum community self-determination, exercised in conjunction with others and without infringement upon the rights of other persons.
- (4) The right of immunity from sales taxes, except upon approval by a majority of qualified voters voting on the question.
- (5) The right of immunity from official actions of the Assembly taken after twelve midnight and before seven o'clock a.m., actual time.
- (6) The right to the assistance of a municipal ombudsman in dealing with grievances and abuses.
- (7) The right to opportunities in housing, public accommodations, employment, and education without regard to race, religion, sex, color, national origin, marital status, or physical handicap; and the right to an Equal Rights Commission at the municipal level in aid thereof.
- (8) The right to a locally directed, ongoing planning process that is based upon the community's goals, objectives and policies for the future.
- (9) The right — whether as a taxpayer, as a municipal employee, or both — to a comprehensive personnel classification and procedures system created by ordinance and based upon merit.
- (10) The right to be heard at public hearings prior to adoption of proposed six-year plans of the school system and the municipality, or approval of the annual budget or any ordinance (except an emergency ordinance as defined herein).

(11) The right — whether as a contractor, as a taxpayer, or both — to competitive bidding for goods and services furnished to the municipality, subject only to exceptions established by ordinance.

(12) The right of immunity from emergency ordinances, unless adopted by affirmative votes of all assemblymen present and voting, or three-fourths (3/4) of the total membership.

(13) The right to have a public record of the actions of the Assembly.

ARTICLE III

POWERS

Section 3.01 Powers of the Municipality

The municipality may exercise all legislative powers not prohibited by law or by this Charter.

Section 3.02 Initiative and Referendum

(a) The powers of initiative and referendum are reserved for exercise by the people of Anchorage in the manner provided by law. The powers of initiative and referendum do not apply to ordinances establishing budgets, fixing mill levies, authorizing the issuance of bonds, or appropriating funds. A petition for initiative or referendum shall be signed by a number of qualified voters equal to at least ten per cent (10%) of the voters who cast ballots at the last regular mayoral election.

(b) Within ten (10) days from the filing of a petition for initiative or referendum, the municipal clerk shall certify on the petition whether or not it is sufficient. An initiative shall be submitted to the voters at the next regular election held at least forty-five (45) days after certification of the petition. A referendum shall be submitted to the voters at a regular or special election held not later than seventy-five (75) days after certification of the petition. However, the Assembly may submit a referendum to the voters at a later regular or special election if the Assembly suspends the ordinance until the election.

(c) A referendum petition may be filed at any time. However, filing of a referendum petition suspends the ordinance or resolution if and only if the petition is filed within sixty (60) days after the effective date of the ordinance or resolution. The suspension terminates on a finding of insufficiency of the petition or upon certification of a majority vote against repeal.

(d) An initiative petition is void if the Assembly enacts substantially the same measure prior to the election. A referendum petition is void if the Assembly repeals the ordinance in question prior to the election. [Proposition 9 passed 10/2/79 (AO 79-139)].

(e) The Assembly may not repeal or substantially alter an ordinance enacted by initiative or enacted under (d) above, or re-enact a measure rejected by referendum within two (2) years after certification of the election at which the enactment or rejection occurred.

Section 3.03 Recall

An elected official may be recalled by the voters in the manner provided by law. A petition to place the recall of an elected official before the voters shall be signed by a number of qualified voters as required by law. [Proposition 2 passed 10/2/90 (AO 90-90)]

ARTICLE IV

THE ASSEMBLY

Section 4.01 Power, Composition and Apportionment

The legislative power of Anchorage is vested in an Assembly of eleven (11) members. Election districts, if established, shall be formed of compact and contiguous territory containing as nearly as practicable a relatively integrated socioeconomic area. The Assembly shall be reapportioned whenever it becomes malapportioned. The Assembly shall determine and declare by resolution whether or not it is malapportioned within thirty (30) days from: (1) receipt of the final report of each federal decennial census, including any supplementary data necessary to establish population distribution within the municipality; (2) receipt of a petition of fifty (50) or more qualified voters alleging and containing reliable evidence that the Assembly is malapportioned. If the Assembly determines that it is malapportioned, it shall, within five (5) months of the determination, reapportion itself in the manner provided by law.

Section 4.02 Term, Membership and Qualifications

(a) If all assemblymen are elected from single member districts, the term of an assemblyman is two (2) years. If some or all assemblymen are elected from multi-member districts, the term of an assemblyman is three (3) years.

(b) A candidate for the office of assemblyman:

(1) shall be a qualified voter of Anchorage; and

(2) shall be a resident of the district from which he/she seeks election for at least one (1) year immediately preceding the election. [Proposition 4 passed 10/2/90 (AO 90-94)].

(c) An assemblyman shall remain a resident of Anchorage and of the district from which elected while in office.

(d) The Assembly shall be the judge of the election and qualification of its members. A qualified voter may appeal to Superior Court for review of a decision of the Assembly under this section.

(e) A person who has served on the Assembly for three (3) consecutive terms may not be re-elected to the Assembly until one (1) full term has intervened. [Proposition 3 passed 10/2/90 (AO 90-86)].

Section 4.03 Compensation

The compensation of assemblymen shall be fixed by the Commission on Salaries and Emoluments.

Section 4.04 Presiding Officer, Meetings and Procedures

(a) The Assembly shall elect annually from its membership a presiding officer known as "Chairman." The Chairman serves at the pleasure of the Assembly.

(b) The Assembly shall meet in regular session at least twice each month. The Mayor, the Chairman of the Assembly, or five (5) assemblymen may call special meetings.

(c) The Assembly by ordinance shall determine its own rules and order of business, including provisions for reasonable notice to the public and to all assemblymen of regular and special meetings. The Assembly shall maintain a journal of its proceedings as a public record.

(d) Voting shall be by roll call, electronic device or other public method as defined by Assembly rule. The votes of all assemblymen shall be recorded. [Proposition 10 passed 10/2/79 (AO 79-149)].

(e) Six (6) members of the Assembly shall constitute a quorum; however, a smaller number may recess from time to time and compel the attendance of absent members as prescribed by Assembly rule.

Section 4.05 Clerk

The Assembly shall appoint a municipal clerk and prescribe the duties of that office. The clerk serves at the pleasure of the Assembly.

Section 4.06 Staff

Pursuant to ordinance, the Assembly may engage such legal counsel, other professional advisors and staff as it requires in the execution of its legislative functions.

Section 4.07 Ombudsman

There is established in the legislative branch of the municipality the office of ombudsman. The ombudsman is appointed by the Assembly and serves at the pleasure of the Assembly. The term of office, powers and duties of the ombudsman shall be prescribed by ordinance. The jurisdiction, power and duties of the ombudsman include acts and omissions of employees and agents of the School District, as well as employees and agents of the municipality. [Proposition 5 passed 10/2/90 (AO 90-87)].

ARTICLE V

THE EXECUTIVE BRANCH

Section 5.01 The Office of the Mayor

- (a) The executive and administrative power of Anchorage is vested in the Mayor. The Mayor is elected at-large for a three (3) year term.
- (b) A candidate for the office of Mayor:
 - (1) shall be a qualified voter of Anchorage; and
 - (2) shall be a resident of Anchorage for at least two (2) years immediately preceding his election.
- (c) The Mayor shall remain a resident of Anchorage while in office.
- (d) A person who has served as Mayor for two (2) consecutive terms may not be re-elected to that office until one (1) full term has intervened.
- (e) The compensation of the Mayor shall be fixed by the Commission on Salaries and Emoluments, and may not be reduced during his term of office without his consent.

Section 5.02 Powers of the Mayor

- (a) The Mayor shall appoint all heads of municipal departments, subject to confirmation by the Assembly, on the basis of professional qualifications. Persons appointed by the Mayor serve at the pleasure of the Mayor.
- (b) The Mayor may participate in all Assembly meetings to the same extent as an assemblyman, but may not vote.
- (c) The Mayor has the veto power. The Mayor also has line item veto power. The Mayor may, by veto, strike or reduce items in a budget or appropriation measure. The veto must be exercised and submitted to the Assembly with a written explanation within seven (7) days of passage of the ordinance affected. The Assembly, by two-thirds (2/3) majority vote of the total membership, may override a veto any time within twenty-one (21) days after its exercise. [Proposition 6 passed 10/2/90 (AO 90-82(S))].
- (d) In case of emergency, the Mayor has the power of a peace officer and may exercise that power as chief executive officer to prevent disorder and to preserve the public health. The Assembly by resolution may declare that the emergency no longer exists.

Section 5.03 Manager

(a) There shall be a manager appointed by the Mayor and confirmed by the Assembly. The manager serves at the pleasure of the Mayor. The manager is selected solely on the basis of professional qualifications. He need not be a resident of the municipality at the time of appointment but must be a resident while in office.

(b) The manager is responsible to the Mayor for the overall conduct of the administrative functions of the municipality.

(c) During the temporary absence or incapacity of the Mayor the manager shall assume the powers and duties of the Mayor, except emergency and veto powers.

Section 5.04 Municipal Attorney

There shall be a municipal attorney appointed by the Mayor and confirmed by the Assembly. The attorney serves at the pleasure of the Mayor. The attorney shall advise and assist the municipal government on legal matters.

Section 5.05 Chief Fiscal Officer

There shall be a chief fiscal officer appointed by the Mayor and confirmed by the Assembly. The chief fiscal officer serves at the pleasure of the Mayor. He is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed, pay money on vouchers drawn against appropriations, and perform such other duties as the Assembly by ordinance may prescribe.

Section 5.06 Administrative Code

The Assembly by ordinance shall adopt an administrative code providing for:

- (a) The identity, function, and responsibility of each executive department and agency;
- (b) rules of practice and procedure governing administrative proceedings;
- (c) personnel policy and rules preserving the merit principle of employment.

Section 5.07 Boards and Commissions

(a) The Assembly by ordinance may provide for advisory, regulatory, appellate or quasi-judicial boards or commissions. The ordinance shall prescribe the duties, terms and qualifications of members.

(b) The Mayor appoints the members of boards and commissions, unless otherwise specifically provided in this Charter. Appointments are subject to confirmation by the Assembly.

(c) Boards and commissions may make recommendations to the Assembly, the Mayor, and heads of executive departments on matters specified in the ordinance creating the board or commission.

(d) The Assembly by ordinance may create or designate itself to be a board of review, adjustment, or equalization. The ordinance shall prescribe the rules of procedure, including quorum and voting requirements.

Section 5.08 Commission on Salaries and Emoluments

(a) There is established a Commission on Salaries and Emoluments of Elected Officials. The commission is composed of five (5) members appointed for terms of four (4) years. The commission shall be composed of at least one business executive, one representative of a nonpartisan voters' organization, one person with experience in public administration, and one representative of a labor organization.

(b) No member of the commission shall be employed by the municipality during the term for which he is appointed, nor shall he hold elective municipal office during his term or within one (1) year thereafter.

(c) The commission shall establish the compensation, including salaries, benefits, and allowances, if any, of elected officials. A decision of the commission takes effect at the beginning of the next fiscal year of the municipality. A decision by the commission is subject to initiative and referendum in the same manner as an ordinance.

(d) The Commission shall afford an opportunity for the public to be heard before rendering any decision that changes the compensation of an elected official. At least every two (2) years, but not more frequently than every year, the commission shall review the compensation of elected officials. The commission shall render its decision with respect to salaries not later than thirty (30) days before the end of the fiscal year of the municipality.

ARTICLE VI

EDUCATION

Section 6.01 Public School System

The system of public schools for the municipality shall be operated by a School Board of seven (7) persons elected at-large from seats designated as Seat A, Seat B, Seat C, Seat D, Seat E, Seat F, and Seat G.

Section 6.02 Qualification, Term and Compensation

(a) A candidate for School Board shall be a qualified municipal voter. A School Board member shall serve a three (3) year term and shall remain a resident of Anchorage while in office. [Proposition 8 passed 10/2/90 (AO 90-93)].

(b) The compensation of School Board members shall be fixed by the Commission on Salaries and Emoluments.

(c) A person who has served on the School Board for three (3) consecutive terms may not be re-elected to the School Board until one (1) full term has intervened. [Proposition 7 passed 10/2/90 (AO 90-95)].

Section 6.03 Powers of the School Board

The School Board has the powers provided by law, including but not limited to, the power to:

- (1) formulate policy for the operation of the schools;
- (2) appoint and provide for suspension and removal of school personnel, including the superintendent;
- (3) serve as a board of personnel appeals;
- (4) generally supervise School District fiscal affairs, including preparation and submission of the annual budget and six-year plan.

Section 6.04 Joint Conferences

The Assembly and School Board shall meet at least four (4) times yearly in public session to discuss and coordinate financial planning, capital improvement needs, the comprehensive plan, and other matters of mutual concern.

Section 6.05 Budget and Six-Year Plan

(a) The Superintendent of Schools shall submit to the School Board at such time as the board directs a proposed budget for the next fiscal year and a proposed six-year program for capital improvements and fiscal policies. The board shall hold at least one public hearing on the proposed budget and program before they are submitted to the Assembly and at least one public hearing after Assembly action if the total amount is different. The proposed budget and program shall be approved and submitted to the Assembly at least ninety (90) days before the end of the current fiscal year of the School District.

(b) The Assembly may increase or decrease the budget of the School District only as to total amount. The School District may not appropriate or otherwise incur the expenditure of any funds, regardless of the source, in excess of the total amount of the budget, as approved by the Assembly, without prior approval by the Assembly. [Proposition 9 passed 10/2/90 (AO 90-88)].

(c) The Assembly shall approve the budget of the School District as amended and appropriate the necessary funds at least sixty (60) days prior to the end of the fiscal year of the School District. If the Assembly fails to approve the School District budget and make the necessary appropriation within the time stated, the budget proposal shall become the budget and appropriation for the fiscal year of the School District without further Assembly action.

ARTICLE VII

VACANCIES IN ELECTIVE OFFICE

Section 7.01 Determining Vacancies

(a) An elective office becomes vacant if the incumbent:

- (1) ceases to meet the qualifications prescribed for the office by this Charter;
- (2) resigns;
- (3) dies;
- (4) is judicially determined to be incompetent;
- (5) is convicted of a felony;
- (6) is removed from office for breach of the public trust.

(b) Proceedings for removal of an elected official for breach of the public trust may be initiated by a majority of all members of the Assembly, or the School Board in the case of removal of a School Board member. In addition, proceedings for removal may be initiated by any duly constituted ethics board. The Assembly by ordinance shall establish procedures for removal of elected officials for breach of the public trust, including provision for notice, a complete statement of the charge, a public hearing conducted by an impartial hearing officer, and judicial review. Removal must be approved by two-thirds (2/3) of the authorized membership of the Assembly or School Board as the case may be.

Section 7.02 Filling Vacancies in Elective Office

(a) If a vacancy occurs on the School Board, the remaining members shall appoint a qualified person to fill the vacancy within thirty (30) days. The person appointed shall serve until the next regular election, at which time a successor shall be elected to serve the balance of the term. If less than thirty (30) days remain in a term when a vacancy occurs, the vacancy shall not be filled. However, if at any time, the membership is reduced to fewer than a quorum, the remaining members, within seven (7) days, shall appoint a number of qualified persons sufficient to constitute a quorum.

(b) If a vacancy occurs on the Assembly, the remaining members may appoint a qualified person to fill the vacancy within thirty (30) days. The person appointed shall serve until the next regular or special election, at which time a successor shall be elected to serve the balance of the term. If the vacancy occurs more than six (6) months before the next regular election, the Assembly shall provide for a special election to fill the vacancy not more than sixty (60) days after the occurrence of the vacancy. If less than thirty (30) days remain in a term when a vacancy occurs, the vacancy shall not be filled. However, if at any time, the membership is reduced to fewer than a quorum, the remaining members, within seven (7) days, shall appoint a number of qualified persons sufficient to constitute a quorum.

(c) A vacancy in the office of Mayor shall be filled at a regular or special election held not less than ninety (90) days from the time the vacancy occurs. If less than ninety (90) days remain in the term when the vacancy occurs, the vacancy shall not be filled. When a vacancy occurs in the office of Mayor, the Chairman of the Assembly shall serve as Acting Mayor until a successor is elected and takes office. The Acting Mayor has the veto power, but may not vote on Assembly action. The Assembly by ordinance shall provide for further succession to the office of Acting Mayor. [Proposition 1 passed 10/2/84 (AO 84-171)].

ARTICLE VIII

COMMUNITY COUNCILS

Section 8.01 Establishment and Procedures

The Assembly by ordinance shall provide for establishment of community councils to afford citizens an opportunity for maximum community involvement and self-determination. The ordinance shall include procedures for negotiation between the local government and each community council with respect to the duties and responsibilities of the community council.

ARTICLE IX

SERVICE AREAS AND ASSESSMENT DISTRICTS

Section 9.01 Service Areas

(a) A service area may be created, altered, or abolished only with the approval of a majority of those voting on the question within the area affected, or, if no qualified voter resides within the area, with the written consent of the owners of all real property within the area affected. However, the Assembly, by ordinance may consolidate service areas in which services are provided by the municipality at the same level in each of the areas to be consolidated.

(b) The Assembly by ordinance shall adopt procedures for creating, altering, abolishing and operating service areas. Services provided in a service area shall be financed by a uniform tax levy within the area.

(c) The Assembly may provide for appointed or elected boards to supervise the furnishing of special services in service areas.

Section 9.02 Assessment Districts

(a) The Assembly by ordinance may establish assessment districts to provide and finance capital improvements by means of an assessment, or services by means of a tax levy. The assessment or levy shall be proportionate to the benefit received from and the burden imposed upon the improvement or service. The Assembly by ordinance shall prescribe uniform criteria for allocating the cost of the improvement or service within an assessment district.

(b) An assessment district may be created or extended only with the approval of the property owners who would bear more than fifty per cent (50%) of the estimated cost of the improvement or service. An assessment district created to finance a capital improvement may be dissolved by Assembly resolution at any time after the district's share of the cost of the improvement has been paid. An assessment district created to finance a service may not be dissolved without the approval of the property owners who bear more than fifty per cent (50%) of the cost of providing the service.

(c) A special assessment for capital improvements, with interest and collection charges, is a lien on the property assessed, second only to property taxes and prior special assessments.

(d) A special assessment may not be contested by civil action unless the action is brought within sixty (60) days after confirmation of the assessment roll.

(e) An account or accounts for each special assessment district shall be created and kept separate from all other municipal accounts. Revenues collected within a special assessment district may be applied only to costs incurred with respect to that assessment district.

ARTICLE X

LEGISLATION

Section 10.01 Introduction and Enactment of Ordinances

(a) An ordinance shall be introduced in writing in the form required by Assembly rule.

(b) An ordinance may be introduced by an assemblyman at a regular or special meeting of the Assembly. The Mayor may cause an ordinance to be introduced; each such ordinance shall state "By the Chairman of the Assembly at the request of the Mayor." Following introduction and upon approval of three (3) assemblymen, the clerk shall publish a notice containing the text of the ordinance or an informative summary of its contents, the time and place for a public hearing on the ordinance, and the time and place where copies of the ordinance are available. The public hearing shall be held at least seven (7) days after publication of the notice.

(c) An ordinance takes effect upon adoption or at a later date specified in the ordinance. Ordinances shall be attested by the municipal clerk and by the presiding officer of the Assembly.

Section 10.02 Actions Requiring an Ordinance

In addition to other actions which require an ordinance, the Assembly shall use ordinances to:

- (1) adopt or amend the administrative code;
- (2) levy taxes;
- (3) authorize borrowing of money;
- (4) grant, renew or extend a franchise;
- (5) regulate the rate charged by a public utility;
- (6) provide for a fine or other penalty or establish a rule or regulation for the violation of which a fine or other penalty is imposed;
- (7) adopt or amend zoning or similar land use control measures;
- (8) convey or lease, or authorize the conveyance or lease, of any interest in lands of the municipality. An ordinance conveying an interest in real property dedicated to public park or recreational purposes is valid only upon approval by a majority of those voting on the question at a regular or special election. The Assembly shall publish notice of the election, including a description of the property by popular place name and legal description, and the terms and conditions of the conveyance.

Section 10.03 Emergency Ordinances

In case of an emergency, an ordinance may be introduced and adopted at the same meeting. An emergency ordinance shall contain a finding that an emergency exists and a statement of the facts constituting the emergency. An emergency ordinance is adopted upon the affirmative vote of all members present, or of three-fourths (3/4) of the

total membership, whichever is less. The Mayor may veto an emergency ordinance within thirty-six (36) hours after adoption of the ordinance. An emergency ordinance is effective for sixty (60) days unless sooner repealed by resolution. A reasonable attempt shall be made to notify the Mayor and all assemblymen immediately upon introduction of an emergency ordinance.

Section 10.04 Adoption by Reference

The Assembly by ordinance may adopt by reference a standard code of regulations or a portion of the statutes of the State of Alaska. The matter adopted by reference shall be made available to the public in a manner prescribed by Assembly rule.

Section 10.05 Codification

The Assembly shall provide for indexing and codification of all ordinances adopted by the Assembly. Following preparation of the initial code, all proposed ordinances shall be adopted as amendments or additions to the code.

ARTICLE XI

ELECTIONS

Section 11.01 Regular Elections

A regular election shall be held annually on the first Tuesday in October, unless otherwise specified by ordinance.

Section 11.02 Election Procedures

(a) All municipal elections shall be nonpartisan. The Assembly by ordinance shall establish procedures for regular and special municipal elections, including provisions for absentee voting. In case of ties, the Assembly shall determine the successful candidate by lot.

(b) If no candidate for the office of Mayor receives more than forty per cent (40%) of the votes cast for the office of Mayor, the Assembly, within three (3) weeks from the date of certification of the election, shall hold a run-off election between the two (2) candidates receiving the highest number of votes for the office. [Proposition 1 passed 10/4/77 (AO 252-76)].

Section 11.03 Qualifications of Voters

To vote in any municipal election, a person must be:

- (a) a qualified voter of the State of Alaska; and
- (b) a resident of Anchorage for thirty (30) days immediately preceding the election and a resident of the precinct in which he seeks to vote.

ARTICLE XII

PLANNING

Section 12.01 Comprehensive Plan Required

The Assembly by ordinance shall adopt and implement, and from time to time modify, a comprehensive plan setting forth goals, objectives, and policies governing the future development of the municipality.

Section 12.02 Planning Commission

There shall be a planning commission constituted as provided by ordinance.

ARTICLE XIII

FINANCE

Section 13.01 Fiscal Year

The Assembly by ordinance may change the fiscal year of the municipality. The Assembly by ordinance may change the fiscal year of the School District to the extent permitted by law. A change in fiscal year may not take effect until at least one (1) year after enactment of the change.

Section 13.02 Six-Year Program

At least ninety (90) days before the end of the fiscal year of the municipality the Mayor shall submit to the Assembly, with recommendations from the Planning Commission, a six-year program for public services, fiscal policies and capital improvements of the municipality. The program shall include estimates of the effect of capital improvement projects on maintenance, operation and personnel costs. The Assembly shall hold at least one (1) public hearing on the six-year program prior to adoption.

Section 13.03 Operating and Capital Budget

At least ninety (90) days before the end of the fiscal year of the municipality the Mayor shall submit to the Assembly a proposed operating and capital budget for the next fiscal year. The form and content of the budget shall be consistent with the proposed six-year program. The Mayor shall submit with the budget an analysis of the fiscal implications of all tax levies and programs.

Section 13.04 Budget Hearing

The Assembly shall hold at least two (2) public hearings on the proposed operating and capital budget for the next fiscal year, including one (1) hearing at least twenty-one (21) days after the budget is submitted to the Assembly, and one (1) hearing at least seven (7) but not more than fourteen (14) days prior to the adoption of the budget.

Section 13.05 Assembly Action on the Municipal Budget

The Assembly may increase or decrease any item, and may add or delete items, in the proposed operating or capital budget of the municipality. The Assembly shall approve the budget of the municipality as amended and appropriate the necessary funds at least twenty-one (21) days prior to the end of the fiscal year of the municipality. If the Assembly fails to approve the budget and make the necessary appropriation within the time stated, the budget proposal shall become the budget and appropriation for the fiscal year without further Assembly action.

Section 13.06 Reduction and Transfer of Appropriations

(a) If the Mayor determines that revenues will be less than appropriations for a fiscal year, the Mayor shall so report to the Assembly. The Assembly may reduce appropriations as it deems necessary. No appropriation may be reduced by more than the amount of the then unencumbered balance.

(b) Except as to the school budget, the Mayor may transfer all or part of any unencumbered balance between categories within an appropriation. The School Board may transfer part or all of any unencumbered balance between categories within the appropriation for the school budget. Except as to the school budget, the Assembly may transfer part or all of any unencumbered balance from one appropriation to another.

Section 13.07 Lapse of Appropriations

At the close of the fiscal year, an unencumbered appropriation shall lapse into the fund from which appropriated. An appropriation for capital improvement, or in connection with requirements of federal and state grants, shall not lapse until the purpose of the appropriation has been accomplished or abandoned.

Section 13.08 Administration of the Budget

(a) No payment shall be made, or obligation incurred except in accordance with appropriations. Obligations otherwise incurred are void. The Assembly by ordinance may provide for exceptions in the case of tax refunds and other routine payments.

(b) The Assembly by ordinance may authorize a contract, lease, or obligation requiring funds from future appropriations. A lease purchase agreement with respect to acquisition of a capital improvement valued in excess of \$1,000,000 is not valid until approved by a majority of the qualified voters voting on the question.

Section 13.09 Competitive Bidding

The Assembly by ordinance shall provide for competitive bidding for goods and services and shall make provision for any exceptions.

Section 13.10 Financial Audit

The Assembly shall provide for an annual independent audit of all municipal accounts by a certified public accountant. The audit shall be completed within ninety (90) days following the close of the fiscal year.

Section 13.11 Trust Fund

(a) When a municipal owned utility is sold pursuant to Section 16.02 of this Charter, the proceeds shall be used to:

- (1) retire the debt of that utility;
- (2) retire other municipal debt deemed appropriate by the Assembly;
- (3) establish a Trust Fund with the balance of the proceeds.

(b) The Trust Fund shall be managed by the Municipal Treasurer under Chapter 6.70 of the Municipal Code with the following stipulations:

(1) The corpus, or a portion of the corpus, of this trust may only be used for purposes approved by a majority of the voters voting on a ballot proposition in a regular or special election;

(2) The earnings of the Trust Fund will be available for appropriation by the Assembly only after the fund has been adjusted for average annual inflation.

(c) The fund shall be invested and managed in accordance with Chapter 6.50 of the Municipal Code. [Proposition 1 passed 10/3/89 (AO 89-27(S))].

ARTICLE XIV

TAXATION

Section 14.01 Taxing Authority

(a) The taxing power of the municipality is vested solely in the Assembly. The taxing power may not be surrendered, delegated, suspended or contracted away except as provided by law.

(b) No sales tax ordinance is valid until ratified by a majority of those voting on the question at a regular or special election.

(c) Private leaseholds, contracts or other interests in land or property owned or held by the United States, the state, or other political subdivisions shall be taxable only to the extent of the fair market value of the private interest.

Section 14.02 Tax Procedures

(a) The Assembly by ordinance shall adopt procedures for tax assessment, levy and collection.

(b) The procedures shall provide for assessment of property at full and true value, except as otherwise provided by law, and for notice of assessment, appeal, and judicial review.

(c) Property taxes, with collection charges, penalties, and interest are first liens upon the property.

Section 14.03 Tax Increase Limitations

(a) Except as provided in this section, the total amount of municipal tax that can be levied during a fiscal year shall not exceed the total amount approved by the Assembly for the preceding year by more than a percentage determined by adding the percentage increase in the Federal Consumer Price Index for Anchorage from the preceding fiscal year plus the average percentage growth or loss in the Anchorage municipal population over the preceding five fiscal years as determined by the State Department of Community and Regional Affairs.

(b) The limitations set forth in sub-section (a) do not apply to the following:

(1) Taxes on new construction or property improvements which occur during the current fiscal year.

(2) Taxes required to fund additional services mandated by voter approved ballot issues.

(3) Special taxes authorized by voter approved ballot issues.

(4) Taxes required to fund the costs of judgements entered against the Municipality or to pay principal or interest on bonds, including revenue bonds.

(5) Taxes required to fund the cost of an emergency ordinance enacted pursuant to 10.03 of the Municipal Charter.

(c) Any tax increases which result from the exceptions set forth in sub-section (b) (1) - (3), shall be added to the base amount which is used in sub-section (a) for the calculations of the subsequent year tax increase limit. (Proposition 24 passed 10/4/83. Initiative Petition).

ARTICLE XV

MUNICIPAL BORROWING

Section 15.01 Authority

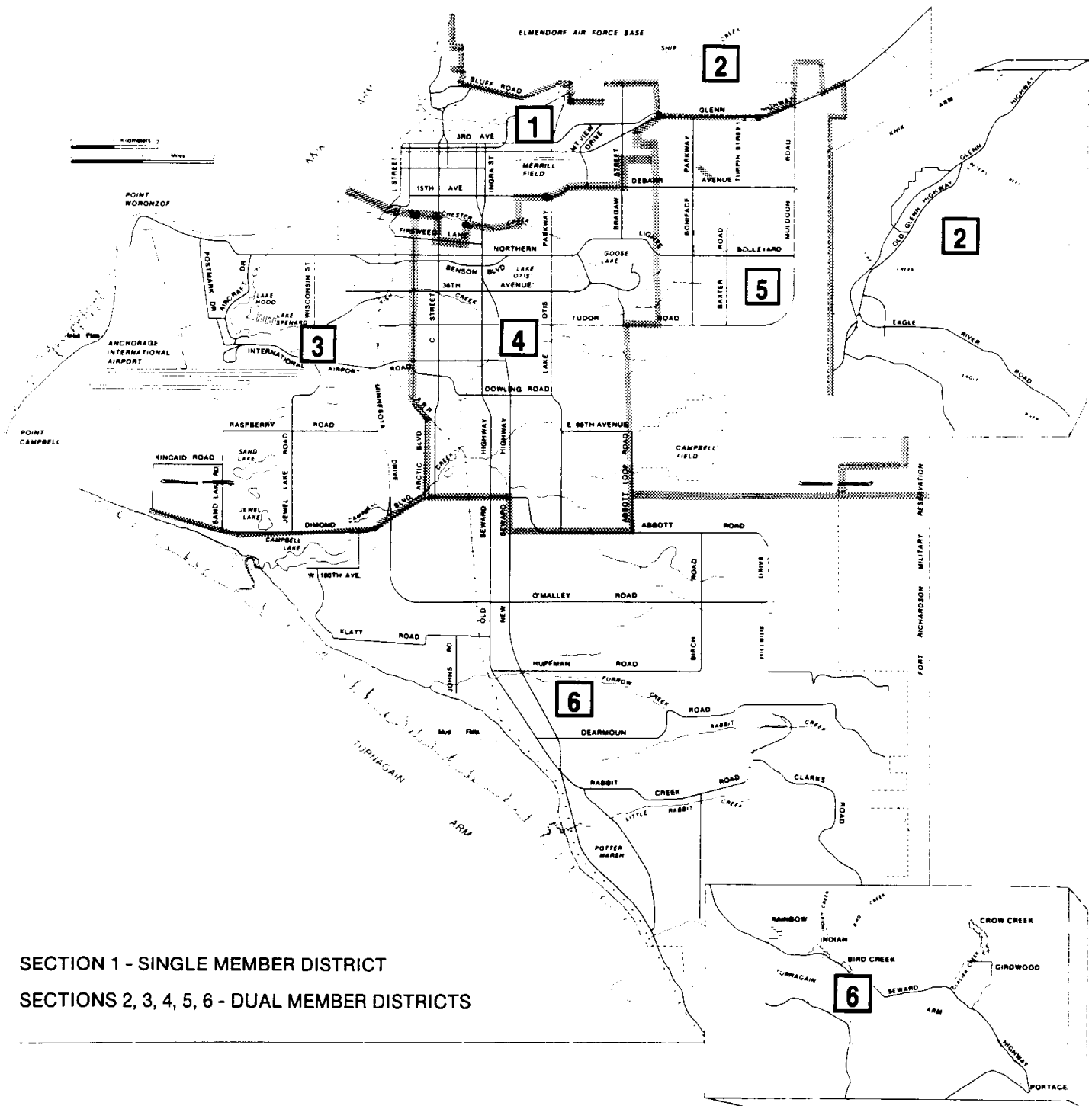
The municipality may borrow money for any public purpose, and issue its evidences of indebtedness therefor.

Section 15.02 Limitations

(a) No general obligation bonded indebtedness may be incurred unless authorized by the Assembly and ratified by a majority vote of those in the municipality voting on the question, except that refunding bonds may be issued without an election.

(b) Tax or revenue anticipation notes shall be repaid within twelve months from their date of issuance. When the taxes or revenues anticipated are not received within this time, the Assembly may renew the notes for a period not to exceed six (6) months.

MUNICIPALITY OF ANCHORAGE
ASSEMBLY REAPPORTIONMENT BOUNDARIES
 (AO 88-76)



SECTION 1 - SINGLE MEMBER DISTRICT
 SECTIONS 2, 3, 4, 5, 6 - DUAL MEMBER DISTRICTS

Section 15.03 Form and Manner of Sale

The Assembly by ordinance shall provide for the form and manner of sale of bonds and notes including reasonable limitation upon the sale of bonds and notes to financial consultants of the municipality.

Section 15.04 Actions Challenging the Validity of Obligations

An action challenging the validity of obligations of the municipality or of an election or tax levy with respect to an obligation may be instituted only within thirty (30) days after the adoption of the ordinance or resolution or certification of the election results, as the case may be.

Section 15.05 Proceeds from Sale of Obligations

Proceeds derived from the sale of obligations shall be used solely for the purposes for which the obligations were issued, or for payment of principal or interest or other charges with respect to the obligations.

ARTICLE XVI

MUNICIPAL UTILITIES

Section 16.01 Municipal Utilities

(a) Each municipal utility shall be operated in accordance with the general standards common to utilities providing the same utility service.

(b) Each municipal utility shall have a separate budget within the annual municipal budget. The accounts of the utilities shall be separately kept and classified in accordance with uniform accounting standards generally prescribed for public utilities providing the same utility service.

(c) The Assembly shall prescribe rules and procedures for the operation and management of municipal utilities.

Section 16.02 Disposal of Utilities

The municipality may sell, lease, or otherwise dispose of a municipal utility only pursuant to an ordinance or initiative proposition approved by three-fifths (3/5) of the qualified voters voting on the question.

ARTICLE XVII

GENERAL PROVISIONS

Section 17.01 Equal Rights

The Assembly shall enact ordinances against invidious discrimination in housing, public accommodations, employment, education, and financing practices on the basis of race, religion, age, sex, color, national origin, marital status, or physical handicap.

Section 17.02 Equal Rights Commission

The Assembly by ordinance shall establish an Equal Rights Commission and prescribe its duties. The commission shall appoint its principal executive officer with the approval of the Mayor. The principal executive officer shall serve at the pleasure of the commission.

Section 17.03 Conflict of Interest

An elected municipal officer may not participate in any official action in which he or a member of his household has a substantial financial interest unless after disclosure of the interest his participation is approved by a majority of the body. This prohibition shall be implemented in the manner provided by law, including provision for public disclosure of substantial financial interests of assemblymen, School Board members, and members of regulatory, appellate and quasi-judicial boards and commissions.

The Assembly by ordinance shall adopt procedures dealing with conflict of interest on the part of municipal employees.

Section 17.04 Prohibitions

(a) Except where authorized by ordinance, an elected official of the municipality may hold no other compensated municipal office or employment or elected position under the state or municipality while in office.

(b) For one (1) year after he leaves office, an assemblyman or School Board member elected under this Charter may hold no compensated municipal office or employment which was created, or the salary or benefits of which were specially increased during his last year in office by the body of which he was a member. This section does not apply to employment by or election to a Charter Commission.

(c) An independent contractor engaged through competitive bidding does not hold municipal employment for purposes of this section.

Section 17.05 Public Meetings

(a) All meetings of the Assembly, the School Board and other boards and commissions shall be public. The Assembly by ordinance shall adopt procedures for maximum reasonable public notice of all meetings. At each such meeting the public shall have reasonable opportunity to be heard. An executive session may be held to discuss pending litigation or any matter the immediate public knowledge of which would tend to affect adversely the finances of the municipality or to defame or prejudice the character or reputation of any person. The general matter for consideration in executive session shall be expressed in the motion calling for the session. No official action may be taken in executive session.

(b) Except in emergency, the Assembly, School Board, and all municipal boards and commissions may take no official action between the hours of twelve midnight and 7:00 o'clock a.m., actual time. Action taken in violation of this paragraph is void.

Section 17.06 Notice of Claim [Repealed Proposition 12 passed 10/2/79 (AO 79-145)]

Section 17.07 Oaths of Office

Municipal officers, before taking office, shall take and subscribe to the following oath or affirmation: "I solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska and the Charter of Anchorage, and that I will faithfully perform the duties of _____ to the best of my ability."

Section 17.08 Continuallon In Office

Each elected municipal officer shall continue to serve until his successor qualifies and takes office.

Section 17.09 Provisions Self-Executing

The provisions of this Charter shall be construed as self-executing whenever possible.

Section 17.10 Municipal Name

The municipality may use the name "City and Borough of Anchorage" wherever for bonding or other purposes, it is to the advantage of the municipality to do so.

Section 17.11 Interpretation

(a) Titles and subtitles shall not be used in construing this Charter. Personal pronouns used in this Charter shall be construed as including either sex.

(b) References in this Charter to particular powers, duties and procedures of municipal officers and agencies may not be construed as implied limitations on other municipal activities not prohibited by law.

Section 17.12 Separability

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 17.13 Definitions

(a) "Appropriation" means a unit of funding provided for by the Assembly in the municipal budget. An appropriation may be specific as to particular expenditures or general as to an entire department or agency, as the Assembly deems appropriate.

(b) "Categories" means actual proposed expenditures to be made from an appropriation.

(c) "Emergency" means an unforeseen occurrence or condition which results or apparently will result in an insufficiency of services or facilities substantial enough to endanger the public health, safety or welfare.

(d) "Initiative" means the process of enacting an ordinance or resolution by vote of the people without Assembly action.

(e) "Interest in lands" means any estate in real property or improvements thereon excluding revocable permits or licenses, rights-of-way, or easements which the Assembly finds to be without substantial value to the Municipality. [Proposition 11 passed 10/2/79 (AO 79-144)].

(f) "Law" means this Charter, the ordinances and resolutions preserved by this Charter, or enacted pursuant to it, and those portions of the statutes of the State of Alaska and the Constitutions of the State of Alaska and of the United States which are valid limitations on the exercise of legislative power by home rule governments.

(g) "Municipality" means the unified municipality of Anchorage created upon ratification of this Charter.

(h) "Publish" means to cause to be printed at least once in at least one newspaper of general circulation within the municipality, the matter required by law to be published. The Assembly shall provide for additional modes of dissemination.

(i) "Referendum" means the process of repealing an ordinance or resolution by vote of the people without Assembly action.

(j) "Resident" means a person whose habitual, physical dwelling place is within the area in question and who intends to maintain his dwelling place in that area.

(k) "Utility" or "Municipal Utility" means a utility which belonged to a former government and whose rates are subject to regulation by the Alaska Public Utilities Commission on the date this Charter becomes effective.

ARTICLE XVIII CHARTER AMENDMENT

Section 18.01 Vote Required

This Charter may be amended only upon the concurrence of a majority of the qualified voters of Anchorage voting on a proposed amendment, except that a proposed amendment which would diminish any right referred to in Article II or any provision of Section 16.02 requires approval by three-fifth (3/5) of the qualified voters voting on the amendment.

Section 18.02 Procedure

Amendments to this Charter may be proposed by ordinance approved by two-thirds (2/3) of the total membership of the Assembly, by a Charter Commission established in the manner provided by law, or by initiative petition. Proposed amendments shall be submitted to the voters at the next regular election occurring more than forty-five (45) days after the effective date of the proposal. If the proposed amendment is approved by the voters, it becomes effective at the time set in the amendment, or, if no time is set, thirty (30) days after certification of the results of the election.

Section 18.03 Ballot Form

When an amendment to this Charter is proposed for adoption by the voters, the ballot proposition shall indicate the current wording proposed to be changed, if any, as well as the proposed new wording, if any.

ARTICLE XIX TRANSITION

Section 19.01 Effective Date

This Charter is effective immediately upon certification of the election at which it is ratified.

Section 19.02 Initial Election

(a) The election for ratification of this Charter, for election of officers under this Charter, and for approval of a plan of apportionment in accordance with Alaska Statutes, shall be held on September 9, 1975.

(b) The election of September 9, 1975, and any related runoff election, shall be conducted in accordance with the election ordinances of the Greater Anchorage Area Borough in effect immediately prior to the election, except as otherwise provided in this Charter. Runoff elections shall be held, if necessary, only for the offices of Mayor and School Board member.

(c) The election of assemblymen shall be in accordance with the plan of apportionment included in this Charter as Appendix A.

(d) At the election of September 9, 1975, School Board members are elected at-large, without designated seats. School Board members elected under the former government serve until the expiration of the terms for which they were elected. The designation of seats takes effect as the respective terms of members elected without designated seats expire, or as their seats become otherwise vacant.

Section 19.03 Initial Terms of Assemblymen

Assembly Seats A, D, F, H and J shall be designated as one (1) year seats for purposes of this election. Seats B, C, E, G, I and K shall be designated as two (2) year seats for purposes of this election.

Section 19.04 Organization of Assembly

Assemblymen elected on September 9, 1975, shall take office immediately upon certification of the election of the Mayor. At that moment former governments are dissolved. On the day after the Assembly takes office, it shall meet at an hour and place designated by the Mayor and shall organize.

Section 19.05 Prior Law Preserved

All ordinances, resolutions, regulations, orders and rules in effect in any former government shall continue in full force and effect to the extent they are consistent with this Charter, until repealed or amended in accordance with this Charter.

Section 19.06 Conflict in Prior Law

In the event of conflict between the ordinances, resolutions and regulations of the former governments, affecting the orderly transition of government, the Mayor shall designate in writing which governs. The designation is effective immediately and shall be communicated to the Assembly. The designation is approved unless the Assembly, within twenty-one (21) days, adopts by resolution a contrary designation.

Section 19.07 Code of Ordinances

Not later than September 1, 1977, the Assembly shall enact a Code of Ordinances. Enactment of the Code shall repeal all ordinances of the former governments not included in the Code. Repeal is not retroactive and does not affect pending court action.

Section 19.08 Existing Rights and Liabilities Preserved

(a) Except as otherwise provided in this Charter, all rights, titles, actions, suits, franchises, contracts, and liabilities and all civil, criminal or administrative proceedings shall continue unaffected by the ratification of this Charter. The new government shall be the legal successor to the former governments for this purpose.

(b) Any bond of a former government authorized and unissued on the date of ratification or authorized at the elections provided in Section 19.02 remains authorized and may be issued at the discretion of the Assembly without additional ratification and subject to the procedures provided by law.

Section 19.09 Prior Organizations Continued

(a) All existing special assessment districts, service areas, Boards of Supervisors for service areas, community councils and community schools recognized under municipal ordinances, and municipal regulatory and advisory boards and commissions shall continue to function until altered in accordance with this Charter.

(b) Upon ratification of this Charter the former cities shall become service areas for the provision of services formerly provided within their boundaries.

Section 19.10 Organization of the Executive Branch

Not later than May 1, 1976, the Mayor shall submit to the Assembly a plan of organization of the Executive Branch. The plan shall provide for elimination of unnecessary duplication. The proposed plan shall become law twenty (20) days after submitted unless sooner adopted with or without amendment or rejected by the Assembly. If the proposed plan is rejected, the Mayor shall submit an alternate plan to the Assembly within fifteen (15) days of the rejection. If, prior to July 1, 1976, no such plan of organization has been adopted by the Assembly the alternate proposal submitted by the Mayor becomes law.

Section 19.11 Employees of Former Governments

(a) Upon ratification of this Charter, employees of former governments become employees of the new government.

(b) Any employees whose positions are eliminated by the plan of organization prescribed in Section 19.10 shall be eligible for reassignment to available positions for which they are qualified in the order of their seniority based on date of hire by a former government or by the new government.

(c) Pension plans, retirement plans and other benefits for current employees under collective bargaining agreements, personnel rules, or other legal or contractual provisions, in effect on the date of ratification of this Charter shall not be diminished by ratification of this Charter.

Section 19.12 Finance

(a) The fiscal year of the new government shall be January 1 through December 31. The fiscal year of the School District is not affected by adoption of this Charter.

(b) Immediately after ratification of this Charter, the Assembly for the new government shall prepare a six-month budget for the period July 1, 1976, through December 31, 1976, with respect to former governments which operated on a July 1 through June 30 fiscal year, and a budget for the period January 1, 1976 through December 31, 1976, with respect to former governments which operated on a January 1 through December 31 fiscal year. The Assembly shall approve and appropriate funds for these budgets.

(c) Not later than April 1, 1976, October 1, 1976 and April 1, 1977, the Assembly of the new government shall complete a financial report covering the activities provided for in the budgets for the former governments for their respective budget periods.

(d) The Assembly for the new government shall prepare, approve and appropriate funds for a budget for Anchorage for the period January 1, 1977 through December 1, 1977.

Section 19.13 Assets and Liabilities

As required by Alaska Statutes 29.68.410:

(a) The new government shall succeed to all assets and liabilities of the former governments.

(b) Not later than March 1, 1977, the Assembly shall determine which assets of a former government provided benefit to an area larger than the former government prior to unification, or will provide such a benefit after unification. The tax obligation for bonded indebtedness, or other debt, incurred prior to unification with respect to such an asset shall be spread to such area not later than July 1, 1977.

(c) Pre-unification bonded indebtedness or other debt for sewage collection systems, water distribution systems and streets, even if determined to be used for the benefit of a larger area than that which incurred the debt, shall remain the tax obligation of the area which incurred the debt.

Section 19.14 Utility Profits Preserved

(a) Utilities owned by the former City of Anchorage shall continue to be operated in such a manner as to provide a reasonable profit, in accordance with applicable regulations of the Alaska Public Utilities Commission. Net profits from the operations of the utilities, for a period of five (5) years after ratification of this Charter, shall be applied for the benefit of the service area created by this Charter in the area of the former City of Anchorage.

(b) Within ninety (90) days after ratification of this Charter the Mayor shall appoint an Interim Utility Commission of five (5) persons, subject to confirmation by the Assembly. Within one (1) year after its appointment the commission shall submit a written report to the

Assembly of its recommendations for the future operation and management of the utilities owned by the former City of Anchorage. The commission shall receive testimony and response to its recommendations from the Assembly and from the public. Within six (6) months after submission of its initial report, the commission shall prepare and submit to the Assembly a final report of its recommendations, at which time the commission is dissolved.

Section 19.15 Salaries and Emoluments of Elected Officials

(a) The Mayor shall appoint, subject to confirmation by the Assembly, the Commission on Salaries and Emoluments within thirty (30) days after the ratification of this Charter. Within ninety (90) days after appointment, the commission shall promulgate its initial decision establishing the compensation of elected officials.

(b) Until the initial decision of the commission takes effect under this Charter, an elected official shall receive the highest of the salaries and benefits which a comparable official would have received for the same period as an elected official of a former government, if the new government had not been formed. The initial decision of the commission may establish the salary of the Mayor without regard to the limitations of Section 5.01(e) of this Charter.

Section 19.16 Definitions for Transition

In this article, "former governments" means the former cities of Anchorage, Girdwood and Glen Alps, and the former Greater Anchorage Area Borough. "New government" means the unified municipality of Anchorage.

"Utilities" means utilities whose rates are subject to regulation by the Alaska Public Utilities Commission on the date of ratification of this Charter.

ARTICLE XX

BLOCK 51, TOWN SQUARE DEDICATION

Section 20.01

That portion of Block 51 of the Original Townsite of Anchorage which is at the effective date of this Charter amendment owned by the Municipality of Anchorage, or thereafter acquired by the Municipality of Anchorage, is hereby dedicated for use as a town square park providing open space in the downtown city center.

Section 20.02

No buildings may be placed, erected, or retained on the lands hereby dedicated, except that any buildings existing thereon at the effective date of this charter amendment which have been, or shall be, designated as historic sites by an authorized authority of the Municipality of Anchorage may be retained, maintained and restored for exclusive use in a manner consistent with the dedication.

Section 20.03


Underground uses of the lands hereby dedicated shall be permitted if, and only if, such uses are determined by the Anchorage Planning and Zoning Commission and the Municipal Assembly to be consistent with the dedication, and if such underground uses do not cause the grade of the town square to be above or below street level.

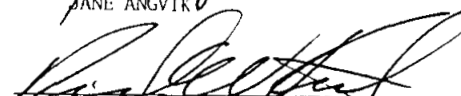
Section 20.04

If any part of this Charter amendment shall be declared to be invalid, the remaining portions shall remain in full force and effect. If this charter amendment shall be found to be invalid as to a portion of the lands covered, it shall remain in full force and effect as to other lands. (Proposition 1 passed 10/2/84, Initiative Petition)

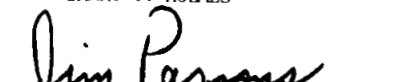
Agreed upon by the members of the Charter Commission at Anchorage, Alaska, this 21st day of July, 1975.



FRANK M. REED, Chairman

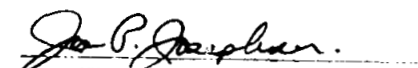

JANE ANGVIK

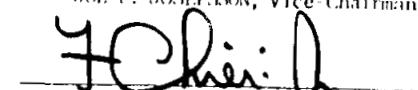

RICHARD W. FISCHER


SHARI T. HOLMES



JIM PARSONS


ARLISS STURGULEWSKI


JOE P. JOSEPHSON, Vice Chairman


FRED CHIER, JR.


MARY C. FROHNE


LISA PARKER


BILL SHEFFIELD

ATTEST:


PATRICIA M. ZANTEK,
Executive Secretary

Staff:

Rick Garnett, Charter Commission Attorney

Kevin "Pat" Parnell, Executive Director

Evy Walters, Executive Secretary

Patti Zantek, Executive Secretary

The Charter Commission, with sincere appreciation, acknowledges the assistance of numerous organizations and the public through letters and appearances at hearings and meetings, and further acknowledges the considerable support and assistance supplied by the various governments through their elected officials and their staff personnel.

**COMMISSION COMMENTARY ON
ANCHORAGE MUNICIPAL CHARTER**

**An aid to legislative history, to assist in
the interpretation of the Charter document.**

August 20, 1975

COMMISSION COMMENTARY ON ANCHORAGE MUNICIPAL CHARTER

Article II:

The Bill of Rights is intended as a synopsis of substantive rights granted in the remainder of the Charter. It is not intended to expand or modify the rights in question as they are stated in other parts of the Charter.

Article II(9):

The reference in this paragraph to a personnel system "based on merit" does not preclude collective bargaining between the new government and a valid representative of its employees.

Section 3.01:

By virtue of this section the new government will be a home rule municipality.

This section brings all allowable legislative power from the state level to the local level. However, Sections 9.01 and 9.02, and other provisions of the Charter calling for voter approval of government action, reserve to the people the basic power to determine if and when the municipal power will be exercised.

Section 5.07 (d):

This paragraph provides that the Assembly, by ordinance, shall prescribe "quorum and voting requirements" for boards of review, adjustment and equalization. The intent is to permit the Assembly to establish quorums and the number of votes required for action at less than a majority of the membership of the board. This flexibility may be needed to deal with the problem of mustering a majority of such boards at a number of successive meetings during the time of year when the business of the particular board is concentrated.

Section 7.01(a)(1):

An elected official who has been recalled in accordance with Section 3.03 ceases to meet the qualifications for his office immediately upon ratification of the election recalling him. The vacancy so created is filled by election in accordance with the mandatory provisions of state law.

Section 7.02(b):

This paragraph provides for accession of the Chairman of the Assembly to the position of Acting Mayor during a vacancy in the office of Mayor. It is intended that the Acting Mayor cease to function as an assemblyman during his tenure as Acting Mayor. However, when the office of Mayor is filled by election, the Acting Mayor reverts to his status as Chairman of the Assembly in all respects.

Section 9.01:

The requirement that "a service area may be created, altered, or abolished only with the approval of a majority of those voting on the question within the area affected" refers to the addition or abolition of services within an existing service area, as well as modification of service area boundaries.

Section 10.02(8):

This paragraph provides that conveyance of an interest in real property "dedicated" to public park or recreational purposes requires a majority vote of the people. The term "dedicated" is intended to indicate formal designation of the land in question for permanent or long-term park or recreational purposes. Land intended for ultimate use for some other purpose may be used in the interim for park or recreational purposes without triggering the election requirement of this paragraph.

Section 13.06(b):

This paragraph, combined with the definitions of "categories" and "appropriations," enables the Assembly to determine at the time the budget is enacted precisely which funds are subject to transfer by the Mayor and which are not. If the Assembly wishes to exercise especially close fiscal control over an agency or department, it may budget with particularity. Conversely, if the Assembly appropriates a lump sum to a particular agency, it is, in effect, authorizing the Mayor to determine priorities for actual expenditures for that agency.

Section 16.02:

This section permits the sale of a utility to be started by initiative. A valid initiative petition would go directly to a vote on the question of sale with three-fifths (3/5) of the vote required for approval.

Section 17.04(a):

This section should be read as though there were a comma after the word "employment." It bars an elected municipal officer from compensated municipal employment and from elected municipal or state office, but not from nonelected state employment.

Section 17.11:

As used in this Charter, "may" is permissive, "shall" is mandatory, and "may not" or "shall not" are prohibitive.

Section 19.04:

It is intended that the Mayor take office immediately upon certification of his election.

Section 19.11(c):

The protections afforded by this section are not limited by Section 19.06, which gives the Mayor transitional power to choose between conflicting ordinances, nor by Section 19.05, which preserves all current ordinances until they are repealed or amended by the new government.


Section 19.12(b):

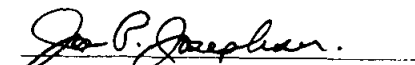
This section states that the Assembly shall "prepare" certain transitional budgets. It is intended that the administration devise proposed budgets for presentation to the Assembly, which, in turn, will modify the proposals and approve the final budgets.

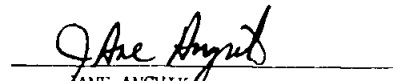
Section 19.14:


Section 19.14(b) calls for an Interim Utility Commission to be appointed. Any action taken pursuant to the Interim Utility Commission's report must be consistent with the five (5) year dedication of profits called for in Section 19.14(a).

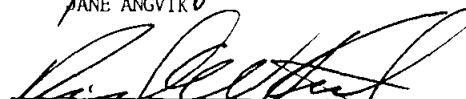
These Commission comments are agreed upon by the members of the Charter Commission at Anchorage, Alaska, this 20th day of August, 1975.


FRANK M. REED, Chairman


JOE P. JOSEPHSON, Vice-Chairman


JANE ANGVIK

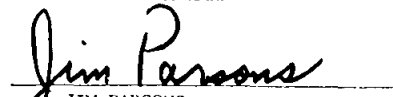

FRED CHIEI, JR.


RICHARD W. FISCHER

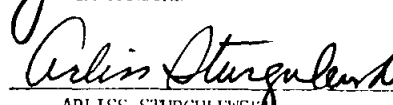

MARY C. FROHNE


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LISA PARKER


JIM PARSONS


BILL SHEFFIELD


ARLISS STURGULEWSKI

ATTEST:

PATRICIA M. ZANTER,
Executive Secretary